

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 6 Remediation, Abatement, and Environmental Compliance Funding

560 FW 6

6.1 What is the purpose of this chapter? This chapter provides guidance for the funding of remediation, abatement, and environmental compliance projects at Fish and Wildlife Service facilities.

6.2 What are the applicable authorities?

A. Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA/Superfund) (42 U.S.C. 9601 et seq.).

B. Resource Conservation and Recovery Act, as amended (RCRA).

C. Federal Facility Compliance Act (FFCA) of 1992.

D. Executive Order 13148 - Greening the Government Through Leadership in Environmental Management.

6.3 What are the definitions of terms used in this chapter?

A. Abatement and environmental compliance projects. Activities that prevent or eliminate pollution and assure compliance with applicable environmental standards. Examples include facility wastewater discharge, asbestos and radon mitigation/remediation, and hazardous waste disposal.

B. Remediation projects. Cleanup or removal actions associated with the release of a hazardous substance. Examples include response actions under CERCLA (561 FW 10) or the removal and cleanup of a leaking underground storage tank.

C. Hazardous Substances. A group of substances defined as hazardous under CERCLA 101(4) and that appears in 40 CFR 302.4, which, due to exposure, could result in adverse effects on the health and safety of humans or the environment.

D. Hazardous Waste. Hazardous substances as identified in 40 CFR 261 that have been classified as unusable and must be disposed of according to Federal, State, and local regulations.

E. Release. Spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of hazardous substances into the environment (including the abandonment or discarding of barrels, underground fuel tanks, containers, and other closed receptacles containing any hazardous substance).

F. Service Facility. Buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed and

leased to the Service. This includes assets located on refuges, hatcheries, and other field stations, as well as any location where we occupy space.

6.4 Who is responsible for funding remediation, abatement, and environmental compliance projects?

A. The **Director** is responsible for providing funds for remediation, abatement, and environmental compliance projects in the Service budget.

B. The **Regional Directors** are responsible for requesting funding for and assuring the satisfactory completion of proposed remediation, abatement, and environmental projects.

C. Regional Engineers/Environmental Compliance Coordinators are responsible for identifying and tracking, through appropriate reports, existing and proposed remediation, abatement, and environmental compliance projects discovered during environmental compliance audits and/or facility inventories.

D. The **Chief, Division of Engineering (DEN)** is responsible for the coordination of the Central Hazardous Materials Fund (CHF), the Service's Construction Account, and the Emergency Construction Fund.

E. The **Chief, Environmental and Facility Compliance (EFC)** is responsible for the coordination of the Department's Central Hazardous Material Fund for the Service and for providing guidance and technical assistance to the Regional Engineers/Environmental Compliance Coordinators for the identification, selection and funding of environmental projects.

F. Facility Managers/Project Leaders are responsible for identifying proposed project needs that are discovered during daily facility operations and for submitting requests to the appropriate funding source.

6.5 What should I use to identify potential environmental projects? We will use environmental compliance audits (560 FW 7), facility inventories (560 FW 4), condition assessments, and daily facility operations to identify remediation, abatement, and environmental compliance projects. Once projects are identified, choose a funding source from those identified in paragraph 6.6.

6.6 What funding sources are available for pollution prevention and cleanup projects?

A. **Department of the Interior Central Hazardous Materials Fund (CHF).**

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 6 Remediation, Abatement, and Environmental Compliance Funding

560 FW 6

(1) Legislation establishing the CHF provides that only remedial actions and associated actions undertaken pursuant to CERCLA are eligible for CHF funds. For CHF funding purposes, remedial actions and associated activities may include a broad range of activities undertaken in response to a release or threatened release of hazardous substances following the completion of a preliminary assessment/site inspection (PA/SI) report or the equivalent, as specified by the National Contingency Plan (NCP) (40 CFR 300).

(2) Bureaus and offices must aggressively pursue Potentially Responsible Parties (PRP's) to clean up their share of contamination of Department of the Interior lands and facilities or to recover cleanup costs (518 DM 2).

(3) The Department issues an annual listing of Bureau projects that qualify for CHF funding. Submit all proposed projects through the EFC.

B. Refuge Contaminant Cleanup Fund. The Refuge Cleanup Fund is available for cleanup projects on national wildlife refuges. In FY 2001, the limit for individual projects was \$250,000 per year. This limit will be revised periodically. During the evaluation process, each project proposal is scored to provide a basis for selecting the highest priority projects.

(1) The National Refuge Cleanup Review Team consists of representatives from the National Wildlife Refuge System, the Division of Environmental Quality (EQ) and the Division of Engineering. The team has the responsibility of requesting an annual call for Refuge Cleanup Fund Project Proposals and evaluating and selecting projects within the funds available. The National Refuge Cleanup Program Coordinator (EQ) is responsible for coordinating the annual evaluation and selection of proposed projects.

(2) Examples of eligible refuge cleanup projects pertaining to environmental issues are:

(a) Removal and disposal of contaminated materials.

(b) Removal and cleanup of leaking fuel storage tanks and associated contaminated soils.

(c) Upgrading/replacement of aboveground storage tanks that are at risk of causing a spill (i.e., tanks that are not double-walled, secondarily contained or adequately bermed).

(d) Corrective actions required by environmental compliance audits.

(e) Remediation of illegal dump sites containing waste characterized as hazardous under RCRA or toxic under

the Toxic Substance Control Act.

(f) Site characterization to identify contaminants (not to exceed \$10,000 per site).

(g) Site cleanup and remediation activities to immobilize or neutralize contaminants and remove or mitigate environmental threats.

(h) Monitoring contaminant cleanup activities.

(i) Planning and assessment that will lead to a cleanup operation (i.e., preliminary assessments, site investigations, remedial investigations and feasibility studies).

(3) Examples of ineligible projects as they pertain to environmental issues are:

(a) Identification and abatement of asbestos or lead-based paint in structures.

(b) Removal and disposal of nonhazardous solid waste from Service facilities.

C. Emergency Construction Account. The Emergency Construction Account is available for environmental issues that have critical human/environmental concerns that require immediate attention. Only projects estimated to cost greater than \$100,000 will be considered for funding from the Emergency Account.

(1) The Regional Directors will request funds from the Director for environmental projects. For projects involving the cleanup of hazardous substances or oil, the Director will forward the request to the Assistant Director - Fisheries and Habitat Conservation.

(2) The following types of environmental projects will be considered for funding using the Emergency Account:

(a) Emergency response to chemical and hazardous material accidents that cause the release of toxics.

(b) Cleanup of hazardous waste sites where there is a demonstrated need for immediate removal action.

(c) Removal/replacement of leaking underground storage tanks to comply with state or federal laws and regulations or for groundwater remediation if nearby public water supplies or natural resources are threatened or if a proven threat to public safety exists.

(d) Remediation of radon levels or other hazardous gases/substances exceeding the standard, that jeopardize the health of Service employees and the public.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 6 Remediation, Abatement, and Environmental Compliance Funding

560 FW 6

(e) Unplanned rehabilitation of existing deteriorated storage facilities for hazardous materials and flammables, if these facilities can be demonstrated to cause an imminent threat of accidental release of toxics by fire or explosion and the deterioration was caused by factors beyond normal control.

(f) Where asbestos is identified to be an immediate threat to human health.

(3) Coordinate all proposed projects through the Chief, DEN.

D. Maintenance Management System (MMS) Funds.

The Maintenance Management System and the Service's 5-Year Maintenance Plan may be used to request funds for environmental projects involving existing facilities (372 FW 1). Coordinate all proposed projects with and submit them through the Regional MMS Coordinator. Code all proposed projects in the MMS database for tracking purposes.

E. Service Construction Appropriation. You may request construction funds for environmental projects by submitting proposals through the annual 5-year Construction Plan development process. Regional Directors submit project priorities to the Director, consistent with annual budget development guidance. This account may be used for larger construction projects such as sewage treatment projects that do not meet the criteria of MMS and must be used for the construction of new and not previously existing facilities.

F. Operational Funding. You may use operational funds for minor compliance and removal projects.

6.8 What limitations apply to this program area? You may not use:

A. Any funds appropriated and allocated for the prevention, control, abatement or cleanup of environmental pollution for any other purpose unless permitted by law and specifically approved by the Office of Management and Budget..

B. Any funds allocated by the Director for the prevention, control, abatement or cleanup of environmental pollution for any other purpose unless specifically approved by the Director.

6.9 How is the program monitored? Regional Environmental Compliance Coordinators will prepare an annual report on the compliance and cleanup status of all remediation, abatement and environmental projects for which they have been assigned responsibility. This includes refuge cleanup, CHF, MMS and construction

abatement/environmental projects. The report will be for the period ending September 30 and will be submitted to the Chief, DEN by January 15 of each year.